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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

DARNELE NELSON,  
  
Defendant.

Case No: 2:20-cr-00195-APG-EJY

**Stipulation to Continue  
Deadline for Government's Response to  
Defendant's Motion to Dismiss Indictment  
(ECF 28) and Motion to Suppress (ECF 29).**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHIOU, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Defendant DARNELE NELSON, that the deadline for Government's Response to Defendant's Motion to Dismiss Indictment (ECF 28) and Motion to Suppress (ECF 29), currently set for Thursday, August 19, 2021, be vacated and continued for a week, up to and including Thursday, August 26, 2021.

This stipulation is entered into for the following reasons:

1. Government counsel needs a very brief amount of additional time, a week, up to and including Thursday, August 26, 2021, to complete its research, draft, and finalize

1 appropriate responses to Defendant's motions (ECF 28 and 29). Nelson's motions, if granted,  
2 would be dispositive of the matter and the government should be allowed sufficient time to file  
3 appropriate responses.

4 2. Nelson is not in custody and does not object to the continuance.

5 3. Trial is set for January 3, 2022 and will not be negatively impacted by this brief  
6 weeklong extension of time to file the government's responses.

7 4. The parties agree to the extension of time for the government to file its responses.

8 5. The requested short extension of time will not unduly prejudice the defendant  
9 and is not sought for purposes of mere delay, but to provide the government the necessary time  
10 to file appropriate responses. For the reasons stated above, the ends of justice would best be  
11 served by a continuance of the deadlines.

12 6. Additionally, denial of this request for continuance of the deadlines could result in a  
13 miscarriage of justice.

14 7. This is the first request for a continuance of the deadlines to file the responses as set  
15 forth herein.

16 DATED this 13th day of August, 2021.

17 CHRISTOPHER CHIOU  
18 Acting United States Attorney

19 /s/ Todd M. Leventhal, Esq.  
Todd M. Leventhal, Esq.  
20 Counsel for Defendant Nelson

21 /s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
22 Assistant United States Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
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UNITED STATES OF AMERICA,

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**Findings of Fact, Conclusions  
of Law, and Order**

**FINDINGS OF FACT**

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Government counsel needs a very brief amount of additional time, a week, up to and including Thursday, August 26, 2021, to complete its research, draft, and finalize appropriate responses to Defendant's motions (ECF 28 and 29). Nelson's motions, if granted, would be dispositive of the matter and the government should be allowed sufficient time to file appropriate responses.

2. Nelson is not in custody and does not object to the continuance.

3. Trial is set for January 3, 2022 and will not be negatively impacted by this brief weeklong extension of time to file the government's responses.

4. The parties agree to the extension of time for the government to file its responses.

5. The requested short extension of time will not unduly prejudice the defendant and is not sought for purposes of mere delay, but to provide the government the necessary time to file appropriate responses. For the reasons stated above, the ends of justice would best be

1 served by a continuance of the deadlines.

2 6. Additionally, denial of this request for continuance of the deadlines could result in a  
3 miscarriage of justice.

4 7. This is the first request for a continuance of the deadlines to file the responses as set  
5 forth herein.

6 **CONCLUSIONS OF LAW**

7 Based on the parties' stipulation and agreement to allow the government additional time  
8 to file its responses and for good cause shown, the extensions of time is granted.

9 **ORDER**

10 IT IS THEREFORE ORDERED that the deadline for Government's Response to  
11 Defendant's motions, currently scheduled for August 19, 2021, be vacated and continued to  
12 August 26, 2021.

13 DATED this 13th day of August, 2021.

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16 HONORABLE ELAYNA J. YOUCHAH  
17 UNITED STATES MAGISTRATE JUDGE  
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